

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-UA-JLW

FARHAD AZIMA,)	
)	
Plaintiff,)	
)	
v.)	REPLY IN SUPPORT OF MOTION
)	FOR EXTENSION OF TIME TO FILE
NICHOLAS DEL ROSSO and)	RESPONSIVE PLEADING
VITAL MANAGEMENT)	
SERVICES, INC.,)	
)	
Defendants.)	

Defendants Nicholas del Rosso and Vital Management Services, Inc. (“VMS”; collectively, “Defendants”), by and through the undersigned counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.3(h) of the Local Rules of Civil Practice for the U.S. District Court for the Middle District of North Carolina, respectfully submit this Reply in Support of their Motion for Extension of Time to File Responsive Pleading [DE 82].

1. Defendants have moved for a thirty-day extension of time through and including November 11, 2022, within which to respond to the Complaint. [DE 82]

This Court has stated:

According to Rule 6(b)(1)(A), this court may “for good cause” extend time “with or without motion or notice if the court acts, or if a request is made, before the original time for its extension expires.” *See Bryant v. Smith*, 165 B.R. 176, 182 (W.D. Va. 1994) (“F.R.C.P. 6(b)(1) requires the party seeking an enlargement of time simply to ‘demonstrate some justification for the issuance of the order.’ An application for an extension of time under F.R.C.P. 6(b)(1) ‘normally will be granted in the absence of bad faith or prejudice to the adverse party.’”) (quoting 4A Charles Alan Wright & Arthur R. Miller, *FEDERAL PRACTICE AND*

PROCEDURE § 1165 at 475 (2d ed. 1987)); *Peche v. Keller*, 1:11CV362, 2012 WL 2128095, at *6 (M.D.N.C. June 12, 2012) (“[C]ourts have described the ‘good cause’ standard as ‘non-rigorous,’ ‘liberal,’ and ‘not . . . particularly demanding.’”) (citations omitted).

Campbell Sales Grp., Inc. v. Marx, 2012 WL 12893030, at *2 (M.D.N.C. Sept. 28, 2012).

2. Plaintiff Farhad Azima has filed a brief opposing Defendants’ Motion for Extension [DE 83]—despite counsel for Plaintiff acknowledging in an October 6, 2022 email to Defendants’ counsel that such motions for extension would be a normal “courtesy.”

3. In his brief in opposition, Plaintiff contends that this action has “been pending for two years,” that Defendants have engaged in delay tactics by filing motions to dismiss and opposing discovery, and that Defendants “once again” seek to delay by seeking more time to file an Answer to the Complaint. [DE 83]

4. However, Plaintiff’s argument ignores the fact that Defendants have successfully achieved the Court’s dismissal of *nine* of the eleven claims in the Complaint, and reasonably sought the dismissal of Plaintiff’s narrowed claims. Defendants’ successful use of procedural safeguards does not create any undue prejudice to Plaintiff. As stated in their initial Motion, Defendants are seeking a reasonable extension to accommodate counsel’s competing client obligations and to permit Defendants adequate time to analyze the portions of the Complaint that remain operative considering the Court’s rulings and in light of developments in related litigation matters that may be relevant to Defendants’ claims and defenses in this matter.

5. In light of the above, Defendants have presented sufficient justification for seeking a reasonable extension of the time within which they may respond to the Complaint, and have similarly established an absence of bad faith in seeking such an Order.

Based on the foregoing, Defendants respectfully request that the Court grant their Motion for a thirty (30) day extension of time to respond to the Complaint, through and including November 11, 2022.

This the 10th day of October, 2022.

**NELSON MULLINS RILEY &
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October, 2022, I electronically filed the foregoing **Reply in Support of Motion for Extension of Time to File Responsive Pleading** with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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